



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0656-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Véronique FERRARI (AS AMENDED))	Group Art Unit: 1615
)	
Application No.: 09/618,066)	Examiner: J. Venkat
)	
Filed: July 17, 2000)	Notice of Allowance Dated: July 1, 2004
)	
For: COMPOSITIONS STRUCTURED)	
WITH AT LEAST ONE POLYMER)	Confirmation No.: 8522
AND METHODS OF USING THE)	
SAME (AS AMENDED))	Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

EXAMINER'S COMMUNICATION

Applicant would like to thank the Examiner for the Notice of Allowance dated July 1, 2004. While Applicant has received all of the Forms PTO 1449 submitted, Applicant notes that several citations on the Form PTO 1449 filed May 18, 2004, including copending applications, were struck through and not initialed by the Examiner. Those documents were properly cited according to M.P.E.P. § 609, and accordingly should have been considered.

More specifically, regarding the copending applications, Applicant's representative telephoned the Examiner on September 29, 2004. From that conversation, Applicant's representative understood that the Examiner had considered all of the copending application information cited in the Form PTO 1449 filed on May 18,

2004, but that she had crossed through the citations to avoid printing of the copending application information on the face of the granted patent.

With regard to the foreign language documents cited, Applicant has provided either English-language counterparts, Search Reports, or English-language Abstracts, and the undersigned is not aware of any more relevant information in any of the foreign language documents, all of which were properly cited under M.P.E.P. § 609.

In an October 15, 2002 filing, Applicant brought to the previous Examiner's (Examiner Sheikh) attention that certain documents cited on the Form PTO 1449 filed on April 22, 2002 were struck through or not initialed by Examiner Sheikh. Applicant also filed an additional Form PTO 1449 on October 18, 2002. (See Exhibit A, Applicant's October filings). Examiner Sheikh then returned a duplicate copy of the April 22, 2002 Form PTO 1449, as well as the October 18, 2002 Form PTO 1449, on which the cited documents in question were initialed and crossed out. Applicant was therefore unsure whether the cited documents had been considered. In the accompanying Office Action, however, Examiner Sheikh explicitly indicated that the copending applications cited on April 22, 2002, had been considered, thus resolving the ambiguity; however, no explicit mention was made of the documents cited on October 18, 2002, leaving Applicant confused as to whether those documents had been considered. (See Exhibit B, Examiner Sheikh's Office Action and returned October and April Forms PTO 1449).

On June 23, 2003, Applicant resubmitted the documents cited on October 18, 2002, along with a new Form PTO 1449 (see Exhibit C, Applicant's June Response), at which point Examiner Sheikh returned the Form PTO 1449 with a notation that the

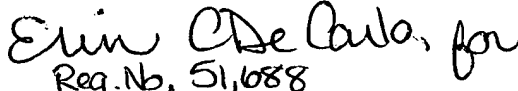
documents had been "considered, not cited." On the form, however, that notation only appeared at the beginning of each category and did not appear next to each document. (See Exhibit D, Examiner Sheikh's returned June Form PTO 1449). Although it thus appeared that the October 18, 2002, documents had been considered, Applicant, to avoid any misunderstanding, requested that the Examiner clarify the record and provide an explicit statement if she had not considered the documents. Since all copending applications have been properly cited on the Forms PTO 1449 and the Examiner (now Examiner Venkat) has provided no indication that the documents were not considered, Applicant understands that all of the documents, including the copending applications, have been considered by the Office.

Please grant any extensions of time required to enter this Communication and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 1, 2004

By: 
Reg. No. 51,688
Michelle E. O'Brien
Reg. No. 46,203

Attachments:

- Exhibit A - Applicant's October filings
- Exhibit B - Examiner Sheikh's Office Action and returned October and April Forms PTO 1449
- Exhibit C - Applicant's June Response
- Exhibit D - Examiner Sheikh's returned June Form PTO 1449

Exhibit A



PATENT
Customer No. 22,852
Attorney Docket No. 5725.0656-00
Application No.: 09/618,066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Véronique FERRARI et al.) Group Art Unit: 1615
)
Application No.: 09/618,066) Examiner: H. Sheikh
)
Filed: July 17, 2000)
)
For: COMPOSITIONS IN RIGID FORM)
STRUCTURED WITH A)
POLYMER)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REPLY UNDER 37 C.F.R. § 1.111

In response to the Office Action mailed July 15, 2002, Applicants respectfully request reconsideration of this application in light of the following remarks.

REMARKS

I. Status of Claims

Claims 1-45, 47-67, 69-113, and 118-161 are pending in this application. No amendments have been made in this response. Applicants acknowledge and thank the Examiner for the telephone conference between her and Jill MacAlpine on August 15, 2002, wherein the Examiner clarified that it was her intention to make a single rejection, a nonstatutory obviousness-type double patenting rejection, in the present Office Action.

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II. Information Disclosure Statement

Applicants filed PTO Form 1449 on April 22, 2002. On this form, in the category of "Other Documents," Applicants disclosed co-pending U.S. applications. On the copy of the Form 1449 returned to Applicants with the instant Office Action, the Examiner drew lines through the co-pending application citations. However, Form 1449 instructs the Examiner to cross out citations only if the citations were not in conformance and not considered.

Applicants wish to point out that citations to co-pending applications are allowed and that Applicants followed the requirements of listing the co-pending applications. See 37 C.F.R. § 1.98 and M.P.E.P. § 609. Clarification and indication that these co-pending applications were considered is respectfully requested. If the Examiner has any questions regarding this matter, she is invited to contact the undersigned at (202) 408-4307.

III. Obviousness-Type Double Patenting Rejection

Claims 1-45, 47-67, 69-113, and 118-161 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-183 of co-pending Application No. 09/685,577.

Although Applicants disagree with all of these rejections, in order to expedite prosecution of this application, Applicants submit herewith a Terminal Disclaimer to render the rejection moot and put this application in condition for allowance.

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Accordingly, Applicants respectfully request the withdrawal of the rejection and the timely allowance of pending claims 1-45, 47-67, 69-113, and 118-161.

IV. Conclusion

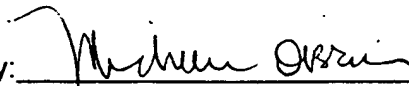
Please grant any extensions of time required to enter this paper and the accompanying Terminal Disclaimer and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 15, 2002

By: _____


Michelle E. O'Brien
Reg. No. 46,203

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Application No. 09/618,066
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Véronique FERRARI et al.) Group Art Unit: 1615
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Application No.: 09/618,066) Examiner: H. Sheikh
)
Filed: July 17, 2000)
)
For: COMPOSITIONS IN RIGID FORM)
STRUCTURED WITH A)
POLYMER)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Office the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a final Office Action, Quayle Action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by § 1.17(p).

Copies of the listed documents are attached. Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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With respect to the non-English language documents, Applicants submit the following remarks:

1. **WO 00/27350** - An abstract of the disclosure of this document can be found in the English language Abstract on the front page of this document.
2. **WO 01/52799** - An abstract of the disclosure of this document can be found in the English language Abstract on the front page of this document.
3. **EP 0 925 780 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
4. **EP 0 820 764 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
5. **EP 0 923 928 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **FR 2 811 552 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. **FR 2 816 506** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the listed documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

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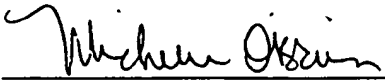
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 18, 2002

By: 

Michelle E. O'Brien
Reg. No. 46,203

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SUPPLEMENTAL INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05725.0656-00000	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	2,450,940	12 Oct. 1948	Cowan et al.			
	3,819,342	25 Jun. 1974	Gunderman et al.			
	4,699,779	13 Oct. 1987	Palinczar			
	5,538,718	23 Jul. 1996	Aul et al.			
	5,683,817	4 Nov. 1997	Kenmochi			
	5,750,489	12 May 1998	Garcia et al.			
	5,882,363	16 Mar. 1999	Spaulding et al.			
	6,197,100	6 Mar. 2001	Melbouchi			
	6,348,563	19 Feb. 2002	Fukada et al.			
	6,423,324	23 Jul. 2002	Murphy et al.			

FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
GB 1 273 004	3 May 1972	Great Britain			English
EP 0 623 670 A2	9 Nov. 1994	Europe			English
EP 0 708 114 A1	24 Apr. 1996	Europe			English
EP 0 820 764 A1	28 Jan. 1998	Europe			Abstract
EP 0 923 928 A1	23 Jun. 1999	Europe			Abstract
EP 0 925 780 A1	30 Jun. 1999	Europe			Abstract
WO 87/03783	2 Jul. 1987	PCT			English
WO 93/21763	11 Nov. 1993	PCT			English
WO 00/27350	18 May 2000	PCT			Abstract
WO 00/61080	19 Oct. 2000	PCT			English
WO 00/61081	19 Oct. 2000	PCT			English
WO 01/51020	19 Jul. 2001	PCT			English

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

SUPPLEMENTAL INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05725.0656-00000	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

FOREIGN PATENT DOCUMENTS							
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No	
	WO 01/52799	26 Jul. 2001	PCT			Abstract	
	WO 02/47620	20 Jun. 2002	PCT			English	
	WO 02/47658	20 Jun. 2002	PCT			English	
	WO 02/49601	27 Jun. 2002	PCT			English	
	FR 2 816 506	17 May 2002	France			Abstract	
	FR 2 811 552 A1	18 Jan. 2002	France			Abstract	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	English language DERWENT abstract of EP 0 820 764 A1.
	English language DERWENT abstract of EP 0 923 928 A1.
	English language DERWENT abstract of EP 0 925 780 A1.
	English language DERWENT abstract of FR 2 811 552 A1.
	English language DERWENT abstract of FR 2 816 506
	Milan Jokić et al., <i>A Novel Type of Small Organic Gelators: Bis(Amino Acid) Oxalyl Amides</i> , 1995 J. Chem. Soc., Chem. Commun., 1723.
	Kenji Hanabusa et al., <i>Prominent Gelation and Chiral Aggregation of Alkylamides Derived from trans-1,2-Diaminocyclohexane</i> , Angew. Chem. Int. Ed. Engl. 1996, 35, No. 17, 1949-1951.
	Toshimi Shimizu et al., <i>Stereochemical Effect of Even-Odd Connecting Links on Supramolecular Assemblies Made of 1-Glucosamide Bolaamphiphiles</i> , J. Am Chem. Soc. 1997, 119, 2812-2818.
	Kenji Hanabusa et al., <i>Terephthaloyl Derivatives as New Gelators; Excellent Gelation Ability and Remarkable Increase of Gel Strength by Adding Polymers</i> , 1999 Chemistry Letters 767.
	Xuzhong Luo et al., <i>Self-assembled organogels formed by monoalkyl derivatives of oxamide</i> , 2000 Chem. Commun. 2091-92.
	Kenji Hanabusa et al., <i>Easy Preparation and Gelation of New Gelator Based on L-Lysine</i> , 2000 Chem. Lett., 1070.
	Co-Pending Application No. 09/749,036; Attorney Docket No. 5725.0832-00 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE PASTY FATTY SUBSTANCE AND METHODS FOR USE Inventors: Véronique FERRARI et al. U.S. Filing Date: December 28, 2000

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

SUPPLEMENTAL INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05725.0656-00000	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	PCT Application No. PCT/US01/47459; Attorney Docket No. 5725.0594-0304 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF USING Inventors: Mohamed KANJI et al. U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47499; Attorney Docket No. 5725.0595-0304 Title: COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/FR01/03965; Attorney Docket No. 5725.0795-01-304 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME Inventors: Roberto CAVAZZUTI et al. International Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47454; Attorney Docket No. 5725.0806-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47497; Attorney Docket No. 5725.0808-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47496; Attorney Docket No. 5725.0809-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/FR01/03962; Attorney Docket No. 5725.0816-01-0304 Title: WAX-FREE COSMETIC COMPOSITION STRUCTURED IN RIGID FORM WITH A POLYMER Inventors: Véronique FERRARI et al. International Filing Date: December 12, 2001
	PCT Application No. PCT/FR01/03963; Attorney Docket No. 5725.0817-01-0304 Title: WAX-FREE COSMETIC COMPOSITION STRUCTURED IN RIGID FORM WITH A POLYMER Inventor: Véronique FERRARI International Filing Date: December 12, 2001
	Co-Pending Application No. 10/129,377; Attorney Docket No. 5725.0819-00-000 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE ORGANOGEATOR U.S. Filing Date: May 3, 2002
	International Search Report in PCT/US 01/47454 (Atty. Docket No. 5725.0806-0304), dated Aug. 29, 2002
Examiner	Date Considered
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce



Exhibit B

Notice of Allowability	Application No.	Applicant(s)	
	09/618,066	FERRARI ET AL.	
	Examiner	Art Unit	
	Humera N. Sheikh	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 November 2002 (paper no. 16).
2. ☒ The allowed claim(s) is/are 1-45, 47-67, 69-113 and 118-166.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>13</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Docketed 11-22-02 Attorney TU/MCB/MSO/TJM
Case 5725-0656
Due Date 2-14-03
Action ISSUE PAX

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER 1600

DETAILED ACTION

Status of the Application

Acknowledgement is made of the receipt of the Request for Reconsideration filed 10/15/02, the IDS filed 10/18/02, the Terminal Disclaimer filed 10/15/02, the Supplemental Response and Amendment filed 11/14/02 and the Second Supplemental IDS filed 11/14/02.

The IDS filed 04/22/02, containing co-pending applications (pages 3-4), which were previously not considered or initialed, have now been considered and initialed by the examiner.

Claims 1-45, 47-67, 69-113 and 118-166 are pending. Claim 15 has been amended to correct any possible 35 USC 112, second paragraph issues, as requested by the examiner. Claims 1-45, 47-67, 69-113 and 118-166 are allowed.

The Restriction requirement filed 09/21/01 has been withdrawn, since the generic claims were held to be allowable.

Allowable Subject Matter

Claims 1-45, 47-67, 69-113 and 118-166 are allowed.

The following is an examiner's statement of reasons for allowance:

The present invention is drawn to a structured composition comprising: at least one dyestuff and at least one continuous liquid fatty phase, wherein the liquid fatty phase is structured with at least one structuring polymer, which comprises a polymeric skeleton comprising repeating units of at least one non-pendant hetero atom and at least one fatty chain, wherein said fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one hetero atom and all said at least one fatty chains; wherein the structured composition is in the form of a wax-free solid and wherein the dyestuff is chosen from pigments and nacles, and wherein the said dyestuff, continuous liquid fatty phase and structuring polymer form a physiologically acceptable medium.

The prior art fails to teach the combination of a structured polymer comprising at least one dyestuff and a liquid fatty phase wherein the liquid fatty phase is structured with a structuring polymer comprising a polymeric skeleton with repeating units comprising at least one non-pendant hetero atom, wherein the structured composition is in the form of a wax-free solid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Note: In the PTO Form 1449, the examiner has considered the following co-pending applications:

Co-pending Application. Nos.:

09/733,899	09/685,578
09/733,900	09/733,896
09/685,577	09/733,898
09/685,578	09/733,897

PCT Application. Nos.:

PCT/US00/33596 PCT/IB00/02000 PCT/IB00/02006

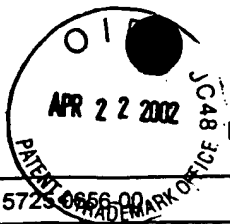
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera Sheikh whose telephone number is (703) 308-4429. The examiner can normally be reached on Monday through Friday from 7:00A.M. to 4:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

THURMAN A. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1000



INFORMATION DISCLOSURE CITATION

RECEIVED
0651 0011

APR 24 2002

Atty. Docket No.	5725-0656-00	Application No.	09/618,066
Applicant		Véronique FERRARI et al.	
Filing Date	July 17, 2000	Group:	1615

TECH CENTER 1600/2900

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Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
KS	3,086,914	23 Apr. 1963	Soloway	167	85	
	3,148,125	08 Sep. 1964	Strianse et al.	167	85	
	3,645,705	29 Feb. 1972	Miller et al.	44	7.5	
	4,275,055	23 Jun. 1981	Nachtigal et al.	424	70	
	4,387,090	07 Jun. 1983	Bolich, Jr.	424	70	
	4,552,693	12 Nov. 1985	Hussain et al.	252	522	
	4,806,338	21 Feb. 1989	Smith	424	47	
	4,806,345	21 Feb 1989	Bhattacharya	424	70	
	4,871,536	03 Oct. 1989	Arraudeau et al.	424	59	
	5,069,897	03 Dec. 1991	Orr	424	66	
	5,186,318	16 Feb. 1993	Oestreich et al.	206	37	
	5,272,241	21 Dec. 1993	Lucarelli et al.	528	15	
	5,500,209	19 Mar. 1996	Ross et al.	424	66	
	5,510,452	23 Apr. 1996	Santhanam	528	291	
	5,536,871	16 Jul. 1996	Santhanam	560	196	
	5,540,853	30 Jul. 1996	Trinh et al.	510	101	
	5,603,925	18 Feb. 1997	Ross et al.	424	65	
	5,618,523	08 Apr. 1997	Zysman et al.	424	70.1	
	5,667,770	16 Sep. 1997	Szweda et al.	424	64	
	5,679,357	21 Oct. 1997	Dubief et al.	424	401	
	5,800,816	01 Sep. 1998	Brieva et al.	424	63	
	5,874,069	23 Feb. 1999	Mendolia et al.	424	65	
	5,897,869	27 Apr. 1999	Roulier et al.	424	401	
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	5,965,112	12 Oct. 1999	Brieva et al.	424	64	
	5,998,570	07 Dec. 1999	Pavlin et al.	528	310	
	6,051,216	18 Apr. 2000	Barr et al.	424	78.35	
KS	6,060,072	09 May 2000	Konik et al.	424	401	

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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant		VERONIQUE FERRARI et al.	
Filing Date	July 17, 2000	Group:	1615

TECH CENTER 1600/2900

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Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
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I	6,103,249	15 Aug. 2000	Roulier et al.	424	401	
I	6,156,325	05 Dec. 2000	Farer et al.	424	401	
I	6,177,523 B1	23 Jan. 2001	Reich et al.	525	459	
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	EP 0 295 886 B1	21 Dec. 1988	Europe			English
	CA 2,003,346	23 May 1990	Canada			English
	JP 02/200612	08 Aug. 1990	Japan			Abstract
	EP 0 412 710 B1	13 Feb. 1991	Europe			English
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	JP 09/255560	30 Sep. 1997	Japan			Abstract
	WO 97/36573	09 Oct. 1997	PCT WO			English
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	WO 98/42298	01 Oct. 1998	PCT WO			English
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	EP 0 943 340 A1	22 Sep. 1999	Europe			Abstract
	WO 00/40216	13 Jul. 2000	PCT WO			English
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AS	FR 2 796 270	19 Jan. 2001	France			Abstract

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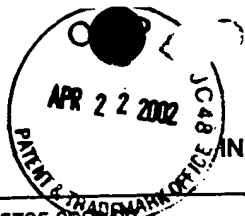
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GMB No. 065-0011
APR 24 2002

Atty. Docket No.	5725.0656-00	Application No.	09/618,066	TECH CENTER 1600/2900
Applicant	Véronique FERRARI et al.			
Filing Date	July 17, 2000	Group:	1615	

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	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
NS	FR 2 796 271	19 Jan. 2001	France			Abstract
NS	FR 2 796 276	19 Jan. 2001	France			Abstract
NS	CA 1,319,306	15 Jun. 1988	Canada			English

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NS	English language DERWENT abstract of JP A 62061911. (03/1987)
	English language DERWENT abstract of JP 02/200612. (08/1990)
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NS	P. Terech, "Low-Molecular Weight Organogelators," in <u>Specialist Surfactants</u> , ch. 8, pp. 208-268 (I.D. Robb, ed., 1997).
NS	Co-Pending Application No. 09/735,888; Attorney Docket No. 5725.3594-90- Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE FILM FORMING SILICONE RESIN AND METHODS OF USING Inventors: Mohamed KATJJI et al. U.S. Filing Date: December 12, 2000
NS	Co-Pending Application No. 09/733,900; Attorney Docket No. 5725.3606-00 Title: COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2000
NS	Co-Pending Application No. 09/685,577; Attorney Docket No. 5725.0656-01 Title: COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER Inventors: Véronique FERRARI and Pascal SIMON U.S. Filing Date: October 11, 2000
NS	Co-Pending Application No. 09/005,578; Attorney Docket No. 5725.0650-00 Title: COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS Inventor: Véronique FERRARI U.S. Filing Date: July 17, 2000



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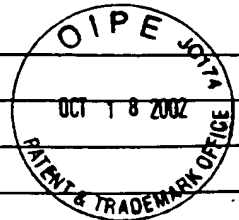
Atty. Docket No.	5725.0659-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

<i>g/s</i>	Co-Pending Application No. 60/685,576, Attorney Docket No. 5725.0659-01- Title: COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS- Inventor: Véronique FERRARI U.S. Filing Date: October 11, 2000
<i>g/s</i>	PCT Application No. PCT/US00/02506, Attorney Docket No. 5725.0795-00004 Title: COSMETIC COMPOSITION COMPRISING HETERO-POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME Inventors: Robert CAVAZZUTI et al. International Filing Date: December 12, 2000
<i>g/s</i>	Co-Pending Application No. 09/733,896, Attorney Docket No. 5725.0806-00 Title: COMPOSITIONS CONTAINING HETERO-POLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2000
<i>g/s</i>	Co-Pending Application No. 09/733,898, Attorney Docket No. 5725.0808-00 Title: COMPOSITIONS CONTAINING HETERO-POLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2000
<i>g/s</i>	Co-Pending Application No. 09/733,897, Attorney Docket No. 5725.0809-00 Title: COMPOSITIONS CONTAINING HETERO-POLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2000 Amendment filed January 4, 2002 (adding claims 41-102)
<i>g/s</i>	PCT Application No. PCT/US00/02500, Attorney Docket No. 5725.0810-00004 Title: COMPOSITIONS COMPRISING AT LEAST ONE HETERO-POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE Inventors: Carlos PINZON and Paul THAU International Filing Date: December 12, 2000
<i>g/s</i>	PCT Application No. PCT/US00/02505, Attorney Docket No. 5725.0817-00004 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETERO-POLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME Inventors: Carlos PINZON and Paul THAU International Filing Date: December 12, 2000

Examiner	<i>Yumera N. Sheikh</i>	Date Considered	<i>11-15-02</i>
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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SUPPLEMENTAL INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05725.0656-00000	Application No.	09/618,066
Applicant		Véronique FERRARI et al.	
Filing Date	July 17, 2000	Group:	1615



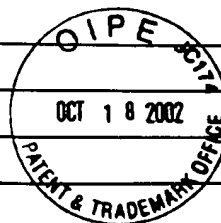
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	WO 93/21763	11 Nov. 1993	PCT WO			English
	WO 00/27350	18 May 2000	PCT WO			Abstract
	WO 00/61080	19 Oct. 2000	PCT WO			English
	WO 00/61081	19 Oct. 2000	PCT WO			English
<i>HS</i>	WO 01/51020	19 Jul. 2001	PCT WO			English

Examiner	<i>Lunessa H. Sheikh</i>	Date Considered	<i>11-15'-02</i>
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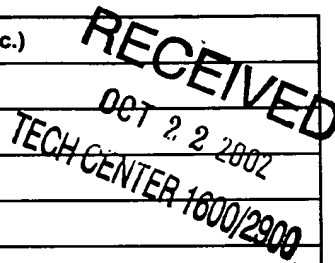
SUPPLEMENTAL INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05725.0656-00000	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615



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	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
DS	WO 01/52799	26 Jul. 2001	BET WO			Abstract
	WO 02/47620	20 Jun. 2002	BET WO			English
	WO 02/47658	20 Jun. 2002	BET WO			English
	WO 02/49601	27 Jun. 2002	BET WO			English
	FR 2 816 506	17 May 2002	France			Abstract
DS	FR 2 811 552 A1	18 Jan. 2002	France			Abstract

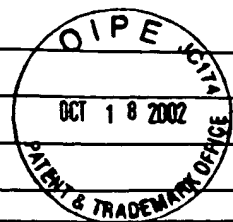
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
DS	English language DERWENT abstract of EP 0 820 764 A1.
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	Milan Jokić et al., <i>A Novel Type of Small Organic Gelators: Bis(Amino Acid) Oxalyl Amides</i> , 1995 J. Chem. Soc., Chem. Commun., 1723.
	Kenji Hanabusa et al., <i>Prominent Gelation and Chiral Aggregation of Alkylamides Derived from trans-1,2-Diaminocyclohexane</i> , Angew. Chem. Int. Ed. Engl. 1996, 35, No. 17, 1949-1951.
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	Kenji Hanabusa et al., <i>Terephthaloyl Derivatives as New Gelators; Excellent Gelation Ability and Remarkable Increase of Gel Strength by Adding Polymers</i> , 1999 Chemistry Letters 767.
	Xuzhong Luo et al., <i>Self-assembled organogels formed by monoalkyl derivatives of oxamide</i> , 2000 Chem. Commun. 2091-92.
	Kenji Hanabusa et al., <i>Easy Preparation and Gelation of New Gelator Based on L-Lysine</i> , 2000 Chem. Lett., 1070.
DS	Co-Pending Application No. 09/749,036; Attorney Docket No. 5725.0832-00 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE PASTY FATTY SUBSTANCE AND METHODS FOR USE Inventors: Véronique FERRARI et al. U.S. Filing Date: December 28, 2000



Examiner	<i>Sumera H. Sheikh</i>	Date Considered	11-15-02
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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SUPPLEMENTAL INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05725.0656-00000	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615



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g/s	PCT Application No. PCT/US01/47459; Attorney Docket No. 5725.0594-0304 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF USING Inventors: Mohamed KANJI et al. U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47499; Attorney Docket No. 5725.0595-0304 Title: COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/FR01/03965; Attorney Docket No. 5725.0795-01-304 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME Inventors: Roberto CAVAZZUTI et al. International Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47454; Attorney Docket No. 5725.0806-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47497; Attorney Docket No. 5725.0808-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/US01/47496; Attorney Docket No. 5725.0809-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
	PCT Application No. PCT/FR01/03962; Attorney Docket No. 5725.0816-01-0304 Title: WAX-FREE COSMETIC COMPOSITION STRUCTURED IN RIGID FORM WITH A POLYMER Inventors: Véronique FERRARI et al. International Filing Date: December 12, 2001
	PCT Application No. PCT/FR01/03963; Attorney Docket No. 5725.0817-01-0304 Title: WAX-FREE COSMETIC COMPOSITION STRUCTURED IN RIGID FORM WITH A POLYMER Inventor: Véronique FERRARI International Filing Date: December 12, 2001
g/s	Co-Pending Application No. 10/129,377; Attorney Docket No. 5725.0819-00-000 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE ORGANOGELOATOR U.S. Filing Date: May 3, 2002
	International Search Report in PCT/US 01/47454 (Atty. Docket No. 5725.0806-0304), dated Aug. 29, 2002
Examiner	<i>Shirley N. Sheikh</i> Date Considered <i>11-15-02</i>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
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PATENT
Customer No. 22,852
Attorney Docket No. 5725.0656-00
Application No.: 09/618,066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Véronique FERRARI et al.) Group Art Unit: 1615
)
Application No.: 09/618,066) Examiner: H. Sheikh
)
Filed: July 17, 2000)
)
For: COMPOSTIONS IN RIGID FORM)
STRUCTURED WITH A)
POLYMER)

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION UNDER 37 C.F.R. § 1.114

Further to the Notices of Allowance and Allowability dated March 21, 2003,
Applicants respectfully request that the Examiner consider the following amendments
and remarks. This paper satisfies the requirement for a "Submission" to accompany
the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 filed herewith.

Please amend the application as follows.

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IN THE CLAIMS

Please amend claims 90, 163, and 165, and add new claim 167 as follows:

90. (Amended) A dermatological composition for at least one keratin material, a care composition for at least one keratin material, a make-up composition, a body hygiene composition, a sunscreen composition for at least one keratin material, or an after-sun composition for at least one keratin material comprising a composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said at least one dyestuff is chosen from pigments and naces; and

wherein said composition is in the form of a structured, wax-free solid.

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163. (Amended) A structured composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

- (i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:
 - a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and
 - b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;
- wherein said at least one continuous liquid fatty phase comprises greater than 40% by weight of the total weight of said at least one continuous liquid fatty phase of at least one apolar liquid oil;
- wherein said structured composition is in the form of a wax-free solid;
- wherein said at least one dyestuff is chosen from pigments and nacles; and
- wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

165. (Amended) A structured composition comprising:

- (a) at least one dyestuff; and
- (b) at least one continuous liquid fatty phase comprising:
 - (i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

- a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and
- b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said structuring polymer is chosen from polymers resulting from at least one polycondensation reaction between at least one dicarboxylic acid and at least one diamine;

wherein said structured composition is in the form of a wax-free solid;

wherein said at least one dyestuff is chosen from pigments and nacles; and

wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

--167. (New) A structured composition comprising:

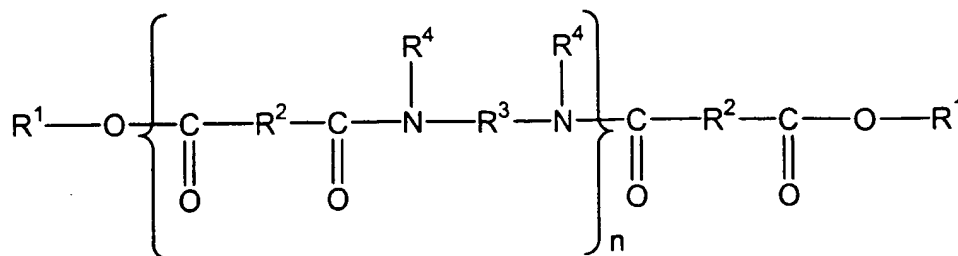
(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000;

wherein said at least one structuring polymer is chosen from polymers of formula (I) below and mixtures thereof:

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in which:

- n is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer;

- R¹, which are identical or different, are each chosen from alkyl groups comprising at least 4 carbon atoms and alkenyl groups comprising at least 4 carbon atoms;

- R², which are identical or different, are each chosen from C₄ to C₄₂ hydrocarbon-based groups with the proviso that at least 50% of R² are chosen from C₃₀ to C₄₂ hydrocarbon-based groups;

- R³, which are identical or different, are each chosen from organic groups comprising atoms chosen from carbon atoms, hydrogen atoms, oxygen atoms and nitrogen atoms with the proviso that R³ comprises at least 2 carbon atoms; and

- R⁴, which are identical or different, are each chosen from hydrogen atoms, C₁ to C₁₀ alkyl groups and a direct bond to group chosen from R³ and another R⁴ such that when said at least one group is chosen from another R⁴, the nitrogen atom to which both R³ and R⁴ are bonded forms part of a heterocyclic structure defined in part by R⁴-N-R³, with the proviso that at least 50% of all R⁴ are chosen from hydrogen atoms;

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wherein said structured composition is in the form of a wax-free solid;
wherein said at least one dyestuff is chosen from pigments and nacles; and
wherein said at least one dyestuff, said at least one continuous liquid fatty phase
and said at least one structuring polymer form a physiologically acceptable medium.--

In accordance with the requirements of 37 C.F.R. § 1.121, the attached Appendix shows the changes that have been made by the proposed amendments.

REMARKS

I. Status of the Claims

Claims 1-45, 47-67, 69-113 and 118-167 are pending in this application. Claims 90, 163, and 165 have been amended to recite that the at least one dyestuff is chosen from pigments and nacles. Support for this amendment can be found throughout the specification and claims as filed. See e.g., page 22, lines 18-19, and page 23, lines 4-8. Claim 167 has been added. Support for this claim can be found throughout the specification and claims as filed. See e.g., claims 1 and 32. Accordingly, no new matter has been added.

II. Information Disclosure Statement filed October 18, 2002

On the PTO Form 1449 filed with an Information Disclosure Statement on October 18, 2002, the following co-pending and related PCT applications were cited:

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Co-Pending Application No. 09/749,036; Attorney Docket No. 5725.0832-00
Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE PASTY FATTY
SUBSTANCE AND METHODS FOR USE
Inventors: Véronique FERRARI et al.
U.S. Filing Date: December 28, 2000

PCT Application No. PCT/US01/47459; Attorney Docket No. 5725.0594-0304 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF USING Inventors: Mohamed KANJI et al. U.S. Filing Date: December 12, 2001
PCT Application No. PCT/US01/47499; Attorney Docket No. 5725.0595-0304 Title: COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
PCT Application No. PCT/FR01/03965; Attorney Docket No. 5725.0795-01-304 Title COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME Inventors: Roberto CAVAZZUTI et al. International Filing Date: December 12, 2001
PCT Application No. PCT/US01/47454; Attorney Docket No. 5725.0806-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
PCT Application No. PCT/US01/47497; Attorney Docket No. 5725.0808-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
PCT Application No. PCT/US01/47496; Attorney Docket No. 5725.0809-0304 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND METHODS OF USING SAME Inventors: Carlos PINZON and Paul THAU U.S. Filing Date: December 12, 2001
PCT Application No. PCT/FR01/03962; Attorney Docket No. 5725.0816-01-0304 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE Inventors: Véronique FERRARI et al. International Filing Date: December 12, 2001
PCT Application No. PCT/FR01/03963; Attorney Docket No. 5725.0817-01-0304 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME Inventor: Véronique FERRARI International Filing Date: December 12, 2001
Co-Pending Application No. 10/129,377; Attorney Docket No. 5725.0819-01 Title: COMPOSITION STRUCTURED WITH A POLYMER CONTAINING A HETEROATOM AND ORGANOGEATOR U.S. Filing Date: May 3, 2002

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Although the Examiner returned the PTO Form 1449 with the Notice of Allowance dated November 19, 2002, and initialed beside each of the above-listed applications, thus indicating that she had considered these documents, she also drew a line through each of the citations. Accordingly, Applicants respectfully request that the Examiner confirm

that each of the above documents was considered by her. For the Examiner's convenience, a duplicate copy of each of the above-listed applications is enclosed herewith, and each is listed on the PTO Form 1449 also submitted herewith.

III. Comments on the Examiner's Statement of Reasons for Allowance

At page 2 of the Notice of Allowability, the Examiner made a representation concerning the scope of the present invention. This representation appears to be based on independent claim 1. Applicants note, however, that the present application contains 167 claims, each having a different scope.

With respect to U.S. Patent No. 6,242,509 B1 to Berger et al. ("*Berger*"), the Examiner asserts that *Berger* "fails to teach the combination of a structured polymer comprising at least one dyestuff and a liquid fatty phase wherein the liquid fatty phase is structured with a structuring polymer comprising a polymeric skeleton with repeating units comprising at least one non-pendant hetero atom, wherein the structured composition is in the form of a wax-free solid."

Applicants note that *Berger* is drawn to gels comprising an ester-terminated dimer acid-based polyamide and a solvent. See Abstract. However, *Berger* fails to teach or suggest, *inter alia*, compositions comprising a dyestuff chosen from pigments and nacs. For example, neither D&C-type dyes nor Pylakrome™-type dyes fall within the scope of a dyestuff chosen from pigments and nacs. Similarly, *Berger* fails to teach or suggest the various cosmetic compositions presently claimed or compositions comprising, *inter alia*, at least one amphiphilic compound which is liquid at room

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temperature and having an HLB value of less than 12. Accordingly, Applicants submit that *Berger* fails to teach or suggest the subject matter of the present claims.

IV. Conclusion

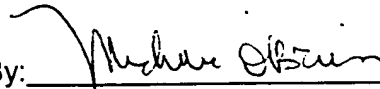
Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extension of time under 37 C.F.R. § 1.136 required to enter this paper and charge those additional fees to our Deposit Account No. 06-916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 23, 2003

By: 

Michelle E. O'Brien
Reg. No. 46,203

539360

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Appendix

Version with markings to show changes made pursuant to 37 C.F.R. § 1.121(c)(1)(ii):

IN THE CLAIMS:

90. (Amended) A dermatological composition for at least one keratin material, a care composition for at least one keratin material, a make-up composition, a body hygiene composition, a sunscreen composition for at least one keratin material, or an after-sun composition for at least one keratin material comprising a composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said at least one dyestuff is chosen from pigments and nacres;

and

wherein said composition is in the form of a structured, wax-free solid.

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163. (Amended) A structured composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average

molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising

at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising

from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty

chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said at least one continuous liquid fatty phase comprises greater than 40% by weight of the total weight of said at least one continuous liquid fatty phase of at least one apolar liquid oil;

wherein said structured composition is in the form of a wax-free solid;

wherein said at least one dyestuff is chosen from pigments and nacres; and

wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

165. (Amended) A structured composition comprising:

(a) at least one dyestuff; and

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(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said structuring polymer is chosen from polymers resulting from at least one polycondensation reaction between at least one dicarboxylic acid and at least one diamine;

wherein said structured composition is in the form of a wax-free solid;

wherein said at least one dyestuff is chosen from pigments and nacres;

and

wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

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INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

U.S. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
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	2,662,068	08 Dec. 1953	Floyd			
	2,663,649	22 Dec. 1953	Winkler			
	2,890,097	09 Jun. 1959	Coe			
	2,962,461	29 Nov. 1960	Toussaint et al.			
	3,141,787	21 Jul. 1964	Goetze et al.			
	3,156,572	10 Nov. 1964	Carlick et al.			
	3,255,082	07 Jun. 1966	Barton			
	3,341,465	12 Sep. 1967	Kaufman et al.			
	3,412,115	19 Nov. 1968	Floyd et al.			
	3,615,289	26 Oct. 1971	Felton			
	3,778,394	11 Dec. 1973	Lovald et al.			
	3,857,960	31 Dec. 1974	Mackles			
	3,926,655	16 Dec. 1975	Miles			
	3,937,811	10 Feb. 1976	Papantoniou et al.			
	3,969,087	13 Jul. 1976	Saito et al.			
	4,049,792	20 Sept. 1977	Elsnau			
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	4,062,819	13 Dec. 1977	Mains et al.			
	4,128,436	05 Dec. 1978	O'Hara et al.			
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	4,137,306	30 Jan. 1979	Rubino et al.			
	4,150,002	17 Apr. 1979	Drawert et al.			
	4,279,658	21 Jul. 1981	Harvey et al.			
OB	4,275,054	23 Jun. 1981	Sebag et al.			

Examiner	<i>Yumna H. PLEIK</i>	Date Considered	11-12-03
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
<i>JS</i>	4,337,298	29 Jun. 1982	Karim et al.			
	4,341,671	27 Jul. 1982	Bolze et al.			
	4,376,194	08 Mar. 1983	Tanaka et al.			
	4,438,240	20 Mar. 1984	Tanaka et al.			
	4,466,936	21 Aug. 1984	Schapel			
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	4,663,428	05 May 1987	Okitu et al.			
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	5,102,656	07 Apr. 1992	Kasat			
	5,223,559	29 Jun. 1993	Arraudeau et al.			
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	5,472,686	05 Dec. 1995	Tsubaki et al.			
	5,505,937	09 Apr. 1996	Castrogiovanni et al.			
	5,610,199	11 Mar. 1997	Cohen et al.			
	5,612,043	18 Mar. 1997	Deprez et al.			
	5,616,331	01 Apr. 1997	Allard et al.			
<i>JS.</i>	5,645,632	08 Jul. 1997	Pavlin			

Examiner	<i>Harmon N. Shick</i>	Date Considered	<i>11-12-03</i>
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Atty. Docket No. 5725.0656-00	Application No. 09/618,066
Applicant Véronique FERRARI et al.	
Filing Date July 17, 2000	Group: 1615

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
JS	5,719,255	17 Feb. 1998	Heucher et al.			
	5,747,625	05 may 1998	Furukawa et al.			
	5,750,125	12 May 1998	Lahanas et al.			
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6,036,947	14 Mar. 2000	Barone et al.				
6,054,517	25 Apr. 2000	Spaulding et al.				
JS	6,063,398	16 May 2000	Gueret			

Examiner <i>James H. Smith</i>	Date Considered 11-12-03
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INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

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	6,165,971	26 Dec. 2000	Oppenlander et al.			
	6,203,780 B1	20 Mar. 2001	Arnaud et al.			
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<i>Q/S</i>	DE 38 39 136 A1	23 May 1990	Germany	—	—	Abstract
<i>Q/S</i>	DE 197 07 309 A1	13 Aug. 1998	Germany	—	—	Abstract
<i>Q/S</i>	DE 197 50 246 A1	20 May 1999	Germany	—	—	Abstract

Examiner	<i>Shirley H. Pritch</i>	Date Considered	11-12-03
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

FOREIGN PATENT DOCUMENTS							
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No	
9/8	EP 0 370 470 B1	30 May 1990	Europe			English	
	EP 0 374 332 A1	27 Jun. 1990	Europe			English	
	EP 0 444 633 A2	04 Sep 1991	Europe			English	
	EP 0 557 196 A1	25 Aug. 1993	Europe			Abstract	
	EP 0 602 905 B1	22 Jun. 1994	Europe			English	
	EP 0 609 132 B1	03 Aug. 1994	Europe			Abstract	
	EP 0 628 582 B1	14 Dec. 1994	Europe			English	
	EP 0 673 642 B1	27 Sep. 1995	Europe			English	
	EP 0 749 746 A1	27 Dec. 1996	Europe			Abstract	
	EP 0 749 747 A1	27 Dec. 1996	Europe			Abstract	
	EP 0 775 483 A1	28 May 1997	Europe			Abstract	
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	EP 0 847 752 A1	17 Jun. 1998	Europe			Abstract	
	EP 0 877 063 B1	11 Nov. 1998	Europe			English	
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	EP 0 958 811 A1	24 Nov. 1999	Europe			Abstract	
	EP 0 959 066 A2	24 Nov. 1999	Europe			Abstract	
	EP 0 959 091 A1	24 Nov. 1999	Europe			Abstract	
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	EP 0 984 025 A2	08 Mar. 2000	Europe			Abstract	
9/8	EP 1 002 514 A1	24 May 2000	Europe			Abstract	

Examiner	<i>James H. Sheikh</i>	Date Considered	11-12-03
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

FOREIGN PATENT DOCUMENTS						
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
q/s	EP 1 031 342 A1	30 Aug. 2000	Europe			Abstract
	EP 1 048 282 A1	02 Nov. 2000	Europe			Abstract
	EP 1 053 742 A1	22 Nov. 2000	Europe			Abstract
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	EP 1 068 854 A1	17 Jan. 2001	Europe			Abstract
	EP 1 068 855 A1	17 Jan. 2001	Europe			Abstract
	EP 1 086 945 A1	28 Mar. 2001	Europe			Abstract
	EP 1 090 627 B1	11 Apr. 2001	Europe			Abstract
	EP 1 114 636 A1	11 Jul. 2001	Europe			Abstract
	FR 1 529 329	06 May 1968	France			Yes
	FR 2 232 303	01 Mar. 1975	France			Abstract
	FR 2 674 126	25 Sep. 1992	France			Abstract
	FR 2 785 179	05 May 2000	France			Abstract
	FR 2 802 806	29 Jun. 2001	France			Abstract
	FR 2 819 402	19 Jul. 2002	France			Abstract
	GB 1 117 129	19 Jun. 1968	Great Britain			English
	GB 1 194 901	17 Jun. 1970	Great Britain			English
	GB 1 194 902	17 Jun. 1970	Great Britain			English
	GB 1 220 069	20 Jan. 1971	Great Britain			English
	GB 1 444 204	28 Jul. 1976	Great Britain			English
	GB 2 021 411 A	05 Dec. 1979	Great Britain			English
	GB 2 147 305 A	09 May 1985	Great Britain			English
q/s	GB 2 196 978 A	11 May 1988	Great Britain			English

Examiner	<i>James H. Smith</i>	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
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INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

FOREIGN PATENT DOCUMENTS						
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
<i>AS</i>	JP 53043577 A	19 Apr. 1978	Japan			Abstract
	JP 56123909 A	29 Sep. 1981	Japan			Abstract
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Examiner	<i>James H. Shields</i>	Date Considered	<i>11-12-03</i>
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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

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Examiner	<i>Shumera H. Sheikh</i>	Date Considered	11-12-03
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Filing Date	July 17, 2000	Group:	1615

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Examiner	<i>Sumera N. Sheikh</i>	Date Considered	11-12-03
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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
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Examiner	<i>James J. Shick</i>	Date Considered	11-12-03
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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

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Examiner	<i>Nurmea J. Sheld</i>	Date Considered	11-12-03
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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

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Examiner	<i>Sumera F. Sheikh</i>
Date Considered	11-12-03
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Atty. Docket No.	5725.0656-00	Application No.	09/618,066
Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

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Examiner	<i>Shirley J. Smith</i>	Date Considered	11-12-03
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Applicant	Véronique FERRARI et al.		
Filing Date	July 17, 2000	Group:	1615

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Examiner	<i>James H. Phelan</i>	Date Considered	11-12-03
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